



09.03.04

IFW

Office Action Summary

Application No.

10/632,314

Applicant(s)

COLE, WILLIAM R.

Examiner

Tony H. Winner

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2003.
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 3 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 01 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

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**Notice of References Cited**

Application/Control No.

10/632,314

Applicant(s)/Patent Under
Reexamination
COLE, WILLIAM R.

Examiner

Tony H. Winner

Art Unit

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U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-4,700,966	10-1987	Hawkins et al.	280/432
	B	US-6,340,167 B1	01-2002	Boyd, Joseph J.	280/432
	C	US-5,730,454	03-1998	Dudzik et al.	280/432
	D	US-4,120,514	10-1978	Sanders, O'Neal	280/432
	E	US-4,211,428	07-1980	Barcus, Nolla L.	280/511
	F	US-5,558,351	09-1996	Hunter, David	280/432
	G	US-5,135,248	08-1992	Keiserman, Juarez	280/432
	H	US-4,204,700	05-1980	Haines, Sr., Joseph R.	280/432
	I	US-4,241,934	12-1980	Buehner, Joseph F.	280/432
	J	US-6,260,872 B1	07-2001	Budhram, Bhardwaj	280/432
	K	US-4,438,943	03-1984	Hebert, Alfred M.	280/432
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.



Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal service with sufficient postage as first class mail in an envelope addressed to:

Assistant Commissioner for Patents
Washington, D.C. 20231

on 9/2/2004

Typed or printed name of person signing this certificate:

CAROL A - WHEASLER

Signature: Carol A. Wheasler



September 2, 2004

United States Patent and Trademark Office
Examiner: Anthony H. Winner
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Mr. Winner:

In regards to your Office Action Summary dated March 08, 2004, please find the enclosed corrections as indicated by the Summary.

The enclosed packet contains no new matter. Also find enclosed a copy of your correspondence.

Respectfully,

William R. Cole
Inventor
8760 S. C.R. 825 E.
Plainfield, IN 46168

DETAILED ACTION

Acknowledgment

1. The examiner acknowledges that while the applicant has made all attempt to comply with the format of the specification, drawings, and claims. However, during examination of the instant application, it is apparent that Applicant is unfamiliar with the requirement set forth by the office that all disclosure must provide an adequate and properly organized written description of the invention. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of the patent is largely dependent upon skillful preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

Specification

2. The following guidelines illustrate the preferred layout and content for patent applications. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

The following order or arrangement is preferred in framing the specification and, except for the reference to the drawings, each of the lettered items should appear in upper case, without underling or bold type, as section headings. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

7
ASKED

- (a) Title of the Invention.
- (b) Cross-Reference to Related Applications.
- (c) Statement Regarding Federally Sponsored Research or Development.
- (d) Reference to a "Sequence Listing," a table, or a computer program listing appendix submitted on compact disc (see 37 CFR 1.52(e)(5)).
- (e) Background of the Invention.
 - 1. Field of the Invention.
 - 2. Description of the Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) Brief Summary of the Invention.
- (g) Brief Description of the Several Views of the Drawings.
- (h) Detailed Description of the Invention.
- (i) Claim or Claims (commencing on a separate sheet and only one complete sentence is allowed per claim with period ending for each claim)
- (j) Abstract of the Disclosure (commencing on a separate sheet).
- (k) Drawings.

(Note: See the format used on other U.S. Patents that are enclosed for your reference.)

- (l) Sequence Listing, if on paper (see 37 CFR 1.821-1.825).

Claim Objections

3. Claims 1-3 are objected to because of the following informalities: The claims are not in proper format/language. However, the office will assist the applicant with proper claim language should a patentable subject matter is determined. Appropriate correction is required.

Drawings

4. The drawings are objected to under 37 CFR 1.83(b) because they are incomplete. 37 CFR 1.83(b) reads as follows:

When the invention consists of an improvement on an old machine the drawing must when possible exhibit, in one or more views, the improved portion itself, disconnected from the old structure, and also in another view, so much only of the old structure as will suffice to show the connection of the invention therewith.

Further, the drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the anti-Jackknife device, which operates by remote control of claim 2, must be shown or the feature canceled from the claim. No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Objection to the Specification

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The following is a quotation of 37 CFR 1.71 (a)-(c):

(a) The specification must include a written description of the invention or discovery and of the manner and process of making and using the same, and is required to be in such full, clear, concise, and exact terms as to enable any person skilled in the art or science to which the invention or discovery appertains, or with which it is most nearly connected, to make and use the same.

(b) The specification must set forth the precise invention for which a patent is solicited, in such manner as to distinguish it from other inventions and from what is old. It must describe completely a specific embodiment of the process, machine, manufacture, composition of matter or improvement invented, and must explain the mode of operation or principle whenever applicable. The best mode contemplated by the inventor of carrying out his invention must be set forth.

(c) In the case of an improvement, the specification must particularly point out the part or parts of the process, machine, manufacture, or composition of matter to which the improvement relates, and the description should be confined to the specific improvement and to such parts as necessarily cooperate with it or as may be necessary to a complete understanding or description of it.

The specification is objected to under 37 CFR 1.71 because it fails to provide an adequate and properly organized written description of the invention such as:

a. How is the anti-Jackknife semi-trailer device attached directly to the trailer or operate by remote control?

b. How is the device perform its function without modifications to the tractor?

If applicant continues to prosecute the application, revision of the specification and claims to present the application in proper form is required.

Note: While an application can be amended to make it clearly understandable, no subject matter can be added that was not disclosed in the application as originally filed.

A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. ***The substitute specification filed must be accompanied by a statement that it contains no new matter.***

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-3 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claims contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

With regard to claims 1-3, the examiner is not clear as to how the anti-Jackknife semi-trailer device is attached directly to the trailer, operates by remote control and finally, the device requires no modification to the tractor.

Claim Rejections - 35 USC 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 (as best understood) are rejected under 35 U.S.C. 102(b) as being anticipated by Hawkins et al. (U.S. patent 4,700,966).

With regard to claim 1, Hawkins discloses an anti-Jackknife device for a tractor/trailer, wherein the Jackknife device is directly attached to the trailer (figure 1 and col. 7 lines 1-15).

With regard to claim 2, Hawkins discloses an anti-Jackknife device for a tractor/trailer, wherein the Jackknife device is operates by remote control (Abstract lines 16-17).

With regard to claim 3, Hawkins discloses an anti-Jackknife device for a tractor/trailer, wherein the Jackknife device requires no modifications to the tractor (figure 2).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Budhram ('872), Boyd ('167), Dudzik et al. ('454), Sanders

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('514), Barcus ('428), Hunter ('351), Keiserman ('248), Haines, Sr. ('700), Buehner ('934), and Hebert ('943) are cited of interest.

9. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Anthony H. Winner whose telephone number is (703) 306-5957. The examiner can normally be reached on Monday-Friday from 9:30 am to 6:30 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



TONY WINNER
PATENT EXAMINER

March 8, 2004